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SUBJECT: Views of Governing Mayor Brandt on Article by Professor KROEGER on Status of West Berlin

Governing Mayor BRANDT has given his views relative to the article by Professor Herbert Kroeger on the status of Berlin which appeared in the last issue of the East German publication "German Foreign Policy" and which has occasioned considerable comment in Berlin. According to Brandt, the essential point made by Kroeger, which of course is unacceptable, is that the basic constitutive agreements between the four wartime Allied countries governing Germany always spoke exclusively of four zones and that Berlin as a whole must therefore belong to one of these zones, obviously the Soviet zone. Brandt noted that, while such a view could be rebutted by reference to the documents, as indicated by Professor DRAHT in his recent radio rebuttal (see our telegram 785 to Bonn, repeated Department 850), he would be grateful for any assistance which the Allies could provide in refuting this line of argument.

A second point made by Kroeger, Brandt continued, was that the Parliamentary Council, which drafted the West German Basic Law in 1948-1949, derived all of its powers from the occupying authorities. Brandt said this contention went contrary to the basic constitutional theory prevailing in Western Europe for the past two hundred years which stipulated that an inalienable constitutive right inhered in the people governed. The Mayor then noted that Kroeger had given a peculiar twist to his analysis and for the first time utilized an argument which, he added with some humor, had in the past found such favor with the Allies--namely, that West Berlin cannot belong to the Federal Republic. Kroeger's argument is that this is obviously so because it already belongs to the German Democratic Republic.

Brandt stated that his view was that Kroeger's article represented the position of the SED Secretariat and was obviously inspired. He felt that it was intended to provide a theoretical preparation for an effort by GDR officials to force a harder Soviet policy towards West Berlin. When the Soviets came to the GDR regime and complained about economic and other failures Brandt added, the standard answer of the GDR leaders was to blame it all on West Berlin, especially the drain of manpower represented by the constant flow of refugees to the city.

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COMMENT: It is interesting to note that Kroeger's arguments can be used by two schools of thought in West Berlin to support their antipathetic views on the appropriate relationship of the city to the Federal Republic. Those who, like Senat Protocol Officer Walter KLEIN, argue against any further assimilation, can interpret, and in fact are already doing so, Kroeger's article as a threat and intended warning that the East is prepared to take retaliatory measures should such assimilation continue. On the other hand, those who favor greater assimilation, like Brandt himself, can now point to Kroeger's contention that West Berlin cannot be a part of the Federal Republic, since it is a part of the GDR, and protest that those opposing assimilation are actually accepting a GDR argument which obviously must be rejected as invalid.



Martin J. Hillenbrand
Acting Assistant Chief of Mission

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